

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

15-CR-142-W

GLEN STACHARCZYCK a/k/a Turbo,

Defendant.

STATEMENT OF THE GOVERNMENT
WITH RESPECT TO SENTENCING FACTORS

PLEASE TAKE NOTICE that the government adopts the findings of the Presentence Report (“PSR”) with respect to sentencing factors in this action except as described below.

Paragraphs 35, 39, 43, and 55 of the PSR address the determination of the defendant’s total offense level. See Doc. No. 1460. The plea agreement differs from the PSR’s Sentencing Guidelines calculation in that the plea agreement found the defendant’s total offense level to be a 23 (see Doc. No. 1351 at ¶¶ 9, 11), whereas the PSR recommends the defendant’s offense level to be a 25 (see Doc. No. 1402 at ¶¶ 35, 39, and 43). Pursuant to United States v. Lawlor, 168 F.3d 633 (2d Cir. 1999), the government is bound to advocate the calculation in the plea agreement.

Should the defendant present any letters of support or sentencing statement to the Court, the United States will move to strike the items from the record if this office is not provided with copies at least 3 business days prior to sentencing.

The defendant is required by 18 U.S.C. § 3013 to pay the sum of \$100.00 at the time of sentencing. Immediately after sentencing, the defendant must pay the amount due by personal check, cashier's check, or certified funds to the United States District Court Clerk.

It is requested that the Court order that all financial obligations be due immediately. In the event the defendant lacks the ability to immediately pay the financial obligations in full, it is requested that the Court set a schedule for payment of the obligations.

In the event present counsel for the defendant will continue to represent the defendant after sentencing in regard to the collection of unpaid financial obligation(s), it is requested that a letter so advising be sent to:

Asset Forfeiture/Financial Litigation Unit
U.S. Attorney's Office WDNY
138 Delaware Avenue
Buffalo, New York 14202

If a letter is not received within 10 days of sentencing, the defendant will be directly contacted regarding collection of the financial obligation(s).

Upon the ground that the defendant has assisted authorities in the investigation or prosecution of the defendant's own misconduct by timely notifying authorities of the defendant's intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently, the government hereby moves the Court to apply the additional one (1) level downward adjustment for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(b).

DATED: Buffalo, New York, November 21, 2018.

JAMES P. KENNEDY, JR.
United States Attorney

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